



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Summary CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Stuart Fleming, Ward 1*  
*Grif Chalfant, Ward 2*  
*Johnny Walker, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Ruben Sands, Ward 5*  
*Michelle Cooper Kelly, Ward 6*  
*Philip M. Goldstein, Ward 7*

---

Thursday, October 13, 2016

7:00 PM

Council Chamber

---

**20161006      Winners of the 2016 Clean Water/Public Power Week Poster Contest**

Michael Musser will be presenting the winners of the 2016 Clean Water/Public Power Week poster contest winners.

**Presented**

**20160915      Fire Prevention Week Poster Contest Winner**

Fire Department recognizing the 3rd grade students from each of the city schools, who are the winners of the Fire Prevention Week poster contest and will announce the Grand Prize Winner.

**Presented**

**20161045      2016 Proclamation for Fire Prevention Week**

Mayor Steve Tumlin presents a Proclamation to proclaim the week of October 9-15, 2016, as Fire Prevention Week, and thus promote developing a safety plan that includes the use of smoke alarms, residential fire sprinkler installations and maintenance, as well as a home fire inspection plan to aid in preventing and limiting home fires.

**Presented**

**20161018      Scheduled appearance**

Scheduled Appearance - Larry Wills

**Present**

**20161054      Scheduled Appearance**

Ms. Candance Jones would like to speak to council about "Zumba".

**Present**

- \*      **20161043**      **Regular Meeting - September 14, 2016**
- Review and approval of the September 14, 2016 regular meeting minutes.
- Approved and Finalized**
- \*      **20160958**      **Marietta Historic Board of Review Mayor's Appointment**
- Appointment of Christopher G. Brown to the Marietta Historic Board of Review as the Mayor's Appointment, for a two (2) year term, expiring October 8, 2018.
- Approved and Finalized**
- \*      **20161057**      **Historic Board of Review Appointment**
- Appointment of Stacy Smith to the Historic Board of Review (Ward 6) for a term of two (2) years, expiring October 10, 2018.
- Approved and Finalized**
- 20160894**      **Z2016-27 [REZONING] JEAN LAMOTHE**
- Z2016-27 [REZONING] JEAN LAMOTHE is requesting the rezoning of 0.19 acres located in Land Lot 1143, District 16, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia, and being known as 463/465 Morningside Drive from R-4 (Single Family Residential - 4 units/acre) to R-4 (Single Family Residential - 4 units/acre) with an additional use as a duplex. Ward 4B.
- Denied**
- \*      **20161017**      **Denial of Claim**
- Denial of Claim for Sarah Joseph.
- Approved and Finalized**
- \*      **20160963**      **Franklin Delk Livable Centers Initiative- Five Year Update**
- Motion to approve the Franklin Delk Livable Centers Initiative (LCI) five year plan update.
- Approved and Finalized**

\*      **20160964                      Release from City of Marietta to Marietta Redevelopment Corporation**

Motion to approve the execution of a Quitclaim Deed of Release in order to release the City of Marietta's Deed to Secure Debt interest from the Marietta Redevelopment Corporation to the City of Marietta dated December 18, 2013 in the original principal amount of \$221,000 and \$2,100,000 including the authorization of the Mayor and City Clerk to execute said Quitclaim Deed of Release with the Deed to be held by the City of Marietta until the closing."

**Approved and Finalized**

\*      **20160943                      National League of Cities (NLC)**

Motion approving travel and training for Mayor and Council members who wish to attend the National League of Cities (NLC) City Summit (formerly Congress of Cities) in Pittsburgh, PA, November 16-19, 2016.

**Approved and Finalized**

\*      **20161003                      2016 MEAG Mayors Summit**

Motion approving travel for Mayor and Council members who wish to attend the 2016 MEAG Mayors Summit which will be held November 4-6 in, Greensboro, Georgia.

**Approved and Finalized**

\*      **20160641                      Public Hearing - Design Guidelines for Forest Hills Historic District**

Motion to adopt the design guidelines for the proposed Forest Hills Historic District.

Public Hearing Required

**Approved and Finalized**

**20160762****HB691- Municipal Court Judges**

Motion to incorporate HB691, Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts generally, so as to provide the removal of appointed municipal court judges under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes; and,

Motion to approve the advertising and the holding of two public hearings in order to amend the Charter of the City of Marietta to amend Section 4.11 (Municipal Court) and Section 6.2 (Chief Judge of the Municipal Court) and to authorize the City Attorney to carry out all matters in order to amend the Charter and to incorporate H.B. 691 into the Charter for the City of Marietta.

**Referred**

20160864

**Wynhaven (Promenade at the Square) - Revised Detailed Plan**

Motion to approve the request by Lennar Georgia, Inc. for the revised detailed plan for 560 Powder Springs Street subject to the letter of agreeable stipulations and conditions, dated October 5, 2016, from J. Kevin Moore, Moore Ingram Johnson & Steele, LLP, to Russell J. Roth, Zoning Manager for the City of Marietta.

Further, the sentence under #6 General Site Notes regarding parking in the right of way shall only apply to the 90 degree off street parking spaces shown on the plan, as clarified under (14)(c) of the letter of agreeable stipulations and conditions referenced above.

Also, approval of a variance to allow the driveways lengths for townhomes 83 and 86 be shorter than eighteen (18) feet from the back of the sidewalk, as shown on the detailed plan.

Council member Goldstein disclosed that he and/or his family members have been represented by Kevin Moore and/or his firm.

*Motion to approve the request by Lennar Georgia, Inc. for the revised detailed plan for 560 Powder Springs Street subject to the letter of agreeable stipulations and conditions, dated October 5, 2016, from J. Kevin Moore, Moore Ingram Johnson & Steele, LLP, to Russell J. Roth, Zoning Manager for the City of Marietta. The applicant agreed to the following additional stipulations:*

- 1. Relocation of utilities is the responsibility of Lennar Georgia Inc.*
- 2. Lennar Georgia Inc. agrees that the development will comply with site distance standards.*
- 3. Every unit of the building that backs up to Powder Springs Street shall have a covered deck.*
- 4. The upkeep and cleanliness of all parking spaces allowed to extend into the right of way shall be the responsibility of Lennar Georgia Inc. or its designee.*
- 5. Lennar Georgia Inc. or its designee will ensure maintenance and cleanliness of Tract 2 until the final Certificate of Occupancy is issued for the residential units in Tract 1.*
- 6. The exchange of right of way between the City of Marietta and the owner of Tract 2 will take place as soon as possible.*
- 7. Tract 2 will not have vehicular access through Tract 1.*
- 8. In regards to the architectural elevations for the Promenade at the Square development, the following are included as conditions of the approved plan:*
  - a. The homes in the Promenade at the Square shall be traditional in nature and consistent with the plans received by the City of Marietta on October 13, 2016, and which are hereby approved by the City Council as part of this motion and per the attached.*
  - b. Design features incorporated into the homes shall be:*

- i. Mixture of material changes taking place on interior corners or where roof massing accommodates change of material
- ii. Window muntins on the front, side and rear of the homes, as appropriate by the architect.
- iii. Shutters on the front and side elevations as deemed appropriate by the architect.
- iv. Mixture of materials on the side and rear elevations as deemed appropriate by the architect.
- v. There shall be a maximum of 20' horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc. per heated floor space level). This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
- vi. Dormers of other similar architectural roofline elements shall be included on every third home.

*Further, the sentence under #6 General Site Notes regarding parking in the right of way shall only apply to the 90 degree off street parking spaces shown on the plan, as clarified under (14)(c) of the letter of agreeable stipulations and conditions referenced above.*

*Also, approval of a variance to allow the driveways lengths for townhomes 83 and 86 be shorter than eighteen (18) feet from the back of the sidewalk, as shown on the detailed plan.*

**Approved as Amended**

\*      **20160942                      2017 City Council Meeting Dates**

Approval of a Resolution establishing the City Council meeting dates and approval of the committee meeting calendar for 2017.

**Approved and Finalized**

\*      **20160960                      CA2016-08 [CODE AMENDMENT]**

CA2016-08 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Division 710, Supplementary District Regulations, paragraph 710.04, Fences and Walls.

**Approved for Advertisement**

\*      **20160999                      Kennesaw State University Campus Police**

Approval of an Ordinance amending City Code to add Section 10 - 4 - 220 Enforcement of City Ordinances on the Campus of Kennesaw State University (formally Southern Polytechnic State University).

**Approved and Finalized**

\*      **20161001                      Revised Detailed Plan for Atlanta United FC Training Ground**

Motion to approve the revised detailed plan for the signage only, as shown on the attached plans for Atlanta United FC Training Ground at 849 & 861 Franklin Road; said plans signed and dated by the applicant on January 13, 2016.

In accordance with Section 708.20.J.4 of the Marietta City Code, Atlanta United FC is requesting the approval of these revisions to the detailed plan regarding signage for Atlanta United FC Training Ground.

**Approved and Finalized**

\*      **20160961                      Naming of New Park located at Frasier/Manget/Lakewood area**

Motion to name the new park located in the Frasier/Manget/Lakewood area “Kirby Park” in honor of Mr. Joe Kirby for his contributions to the community for over 20 years.

**Approved and Finalized**

\*      **20161031                      Franklin Gateway Sports Complex**

Motion to name the multi-purpose sports facility on 1034 Franklin Gateway the “Franklin Gateway Sports Complex”.

**Approved and Finalized**

\*      **20161030                      Naming of Field 3 for Franklin Gateway Sports Complex**

Motion to name Field 3 of the Franklin Gateway Sports Complex, Harry W. Livingston, Jr. Field.

Requested by Mayor Tumlin

**Approved and Finalized**

**20160928      2017 Group Term Life Insurance Benefits**

Motion approving the 2017 Group Term Life Insurance plan with Lincoln Financial Group. The city-funded, basic term life insurance remains at three times salary up to a maximum of \$300,000 for full-time employees. The age reduction tiers for employees aged 65 and over have been removed in favor of a single age reduction for employees aged 75 and over at a 50% reduction of the policy's original face value. The previous age reduction tiers for basic term life insurance that began at age 65 remain for elected officials. The rate per \$1,000 of coverage for basic life and accidental death and dismemberment is \$0.23. Regarding employee-funded, voluntary life insurance, the age reduction tiers for employees and spouses aged 70 and over have been removed in favor of a single age reduction for employees and spouses aged 75 and over at a 50% reduction of the policy's original face value. The rates for voluntary coverage have not changed, and are based on the age of the employee or spouse. All approved rates are guaranteed with Lincoln Financial Group until 2019.

**Approved as Amended****\*      20160944      National League of Cities (NLC) Annual Meeting**

Appointment of Philip M. Goldstein as the voting delegate for the National League of Cities (NLC) Annual Business Meeting that will be held during the National League of Cities (NLC) City Summit (formerly Congress of Cities) in Pittsburgh, PA, November 16-19, 2016.

**Approved and Finalized****20161002      Ordinance amending Article V of Section 4-12-6-010 of Exhibit B of Chapter 4-12 by adding preretirement spousal death benefits and other related matters.****Denied**

Ordinance amending Article XI Section 1 (A) of Section 4-12-6-010 of Exhibit B of Chapter 4-12 related to increasing or decreasing the benefits of elected or appointed officials.

**Approved as Amended****20161004      Ordinance approving an amendment to the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Ordinance 4532)**

Ordinance approving an amendment to the Consolidated Retirement Plan for the Employees of the City of Marietta, Georgia (Section 4-12-6-010 et. seq.), by stipulating a maximum retirement benefit for elected officials.

**Approved and Finalized**



\*      **20160890            Vegetative Waste Bags**

Motion amending City Code Section 5-8-040.6 effective January 1, 2017 to read as follows:

6. All leaves, grass clippings, pine needles, and similar yard trimmings shall be placed in reusable non disposable rigid containers or compostable brown paper bags and deposited at a curbside location adjacent to the originating property, but in no case shall it be placed in such a position as to obstruct the sidewalks, the gutter, or the free movement of traffic. All branches, limbs, and shrubbery shall be cut in lengths of six feet or less, and no single piece shall exceed four inches in diameter and weigh no more than 100 pounds.

**Approved and Finalized**

\*      **20160967            Polk Street Sidewalks**

Motion authorizing the installation of a sidewalk along the south side of Polk Street from Westside Elementary to the Debonair Drive.

**Approved and Finalized**

\*      **20160968            Etowah Drive, Iroquois Drive, and Kiowa Drive**

Motion authorizing the installation of two driver speed feedback signs each on Etowah Drive, Iroquois Drive, and Kiowa Drive.

**Approved and Finalized**

\*      **20160972            Longwood Drive**

Motion authorizing the installation of two driver speed feedback signs on Longwood Drive.

**Approved and Finalized**

\*      **20160980            Victory Drive Speed Sign**

Motion authorizing the installation of two driver speed feedback signs on Victory Drive.

**Approved and Finalized**

\*      **20161036                      Downtown Business District Improvements**

Motion to authorize staff to contact Cobb County regarding the entrance of the existing parking garage and feasibility of providing restroom facilities for public use in the downtown area. Further to authorize staff to start discussion with CSX to investigate grant opportunities and discussion with the Downtown Marietta Development Authority regarding quiet railroad crossings.

Council member Goldstein disclosed that he, his family members and/or entities that he owns or have an interest in, own property in the Central Business District (CBD). His business is also located in the CBD.

**Approved and Finalized**

**20160668                      V2016-40 [VARIANCE] THE KRYSTAL CO (SIGNAL SIGNS)**

V2016-40 [VARIANCE] THE KRYSTAL CO (SIGNAL SIGNS) is requesting a variance for property located in Land Lot 1283, District 16, Parcel 0070, 2nd Section, Cobb County, Georgia, and being known as 271 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Variance to increase the allowable height for a freestanding sign from 15' to 22'8" along Cobb Parkway; variance to increase the maximum sign face from 90 sf. to 122 sf; variance to increase the maximum area of the sign structure from 90 sf. to 175 sf.; variance to reduce the setback for an accessory structure from 10' to 6'. Ward 7A.

*Motion to approve the following variances for property located 271 Cobb Parkway South, currently zoned CRC (Community Retail Commercial). Ward 7A.*

- 1. Variance to increase the allowable height for a freestanding sign from 15' to 22'8" along Cobb Parkway*
- 2. Variance to increase the maximum sign face from 90 sf. to 122 sf*
- 3. Variance to increase the maximum area of the sign structure from 90 sf. to 175 sf, with the stipulation that the stacked stone base must be as wide or wider than the sign width.*
- 4. Variance to reduce the setback for an accessory structure from 10' to 6' for the dumpster, as shown on the site plan.*

**Approved as Amended**

**20160996                    V2016-52 [VARIANCE] LIFE UNIVERSITY (WILLIAM D. JARR)**

V2016-52 [VARIANCE] LIFE UNIVERSITY (WILLIAM D. JARR) is requesting variances for property located in Land Lots 501, 508, 509, and 572, District 17, Parcel 0150, 2nd Section, Marietta, Cobb County, Georgia and being known as 1266 Barclay Circle. Variance to allow a billboard (scoreboard) not within 100 feet of the right of way of Interstate 75; variance to waive the requirement that a billboard (scoreboard) be regulated as a principal use and designated on an exemption plat filed with the Cobb County Superior Court; variance to allow a billboard within 500 feet of a school or park; variance to allow a billboard (scoreboard) to be multi-message within 500 feet of a school or park; variance to allow a billboard (scoreboard) on a lot with a building with signage; variance to allow a billboard (scoreboard) in the OI zoning district; variance to waive the exchange requirements for digital panels. Ward 1A.

**Approved and Finalized**

**\*            20160982                    166 Roswell St. - Stonebridge Church - Certificate of Approval (Demolition)**

Motion to approve Stonebridge Church submittal for demolition.

**Approved and Finalized**

**\*            20161032                    Consolidated Pension Plan**

Approval of an ordinance to amend the Fiscal Year 2017 budget to make an additional contribution for the City Employees and Elected Officials to the Consolidated Pension Plan, above and beyond recommended funding of approximately combined \$5.4 million, of One Million Dollars (\$1,000,000). Credit to Reserve.

Requested by Mayor Tumlin

**Approved and Finalized**

**20161069                    Response to Cobb County Zoning Amendment Notice**

Z-109, Melo Investment; zoning amendment located on the east of Austell Road , south of Sandtown Road; Land Lot 154 of the 17 District

The City of Marietta has no objection to this zoning amendment request.

**Approved and Finalized**

**20161098****Response to Cobb County Zoning Amendment Notice**

Z-118, CII Holdings, LLC; zoning amendment located on the South of White Circle, east of Noonday Church Road; Land Lot 863 of the 16 District

The City of Marietta objects to this zoning amendment upon the following grounds:

1) the amendment seeks to delete the fifty (50) foot buffer between the subject property and residential property, to which the city objects; 2) the requested amendment seeks a zoning category and designation with no limitations or protections from the Heavy Industrial (HI) category; 3) the requested amendment is not consistent with the surrounding properties and would likely be harmful to the surrounding properties. 4) the rezoning is inconsistent with Cobb County's adopted Future Land Use Map which identifies this parcel as IC (Industrial Compatible). Industrial Compatible land uses include such uses as office/warehouse developments. Heavy Industrial zoning is not a compatible zoning district for IC Future Land Use Map category. 5) the City of Marietta reserves the right to enter further objections after a more thorough review the application and submitted site plan

**Approved and Finalized**

\*

**20161044****BLW Actions of October 10, 2016**

Review and approval of the October 10, 2016 actions and minutes of Marietta Board of Lights and Water.

Council member Goldstein voting against BLW agenda items 20161014 and 20161016.

**Approved and Finalized**